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OCT 30 2018

**CASCADE COUNTY PLANNING BOARD**

September 18, 2018

9:00 am

Court House Annex  
325 2<sup>nd</sup> Ave North

Board Members: Mark Carlson, Richard Liebert, Elliott Merja, Rob Skawinski, Ken Thornton, Dan Johnstone, Dexter Busby

**Notice:** Pursuant to MCA 2-3-212(1), the official record of the minutes of the meeting is in audio form, located at [cascadecountymt.gov](http://cascadecountymt.gov) and the Clerk and Records Office. This is a written record of this meeting to reflect all the proceedings of the Board. MCA 7-4-2611 (2) (b). Timestamps are indicated in red, within each agenda item below, and will direct you to the precise location should you wish to review the audio segment.

These minutes are paraphrased to reflect the proceedings of the Cascade County Planning Board, and are considered a draft until formally approved by the Planning Board.

**Staff Present:** Alex Dachs, Anna Weber and Natalia Wilson

**Attendees:** Casey Doran, Dustin Young, Jan Swanson, Dan Richardson and Jenn Rowell

**1. Call to order:** Chairman Elliott Merja called the meeting to order at 9:00 am

**2. Roll call:**

**Board Members Present:** Mark Carlson, Elliott Merja, Ken Thornton, Dan Johnstone and Dexter Busby

**Board Members Absent:** Rob Skawinski and Richard Liebert

**3. Approval of Minutes:** June 19, 2018

Elliott Merja asked did everyone read the minutes any comments?

Dexter Busby motion to approve

Ken Thornton second the motion

All in Favor, Motion passes 5-0

**4. New Business:**

**A. Doran Park-Minor Subdivision**

Dennis Stefani, the Kelman Zollie Estate & Casey Doran are requesting a Subdivision Review

**Staff Report:** Anna Weber 01:10

**Motions:**

**R0362947 CMS**

Total Pages: 7 R 0.00 By: tmarch 10/30/2018 11:21:00 AM  
Cascade County, Rina El Moore - Clerk & Recorder



1. Recommend to the County Commission that the Plat of Doran Park Subdivision be **denied**; or
2. Recommend to the County Commission that the Plat of Doran Park Subdivision be **approved**, subject to the following 9 conditions:
  1. having the developer's surveyor correct any errors or omissions on the preliminary plat;
  2. causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
  3. Design, construction, inspection, and certification, by a licensed professional engineer, of all roads used to physically and legally access, as well as the proposed cul-de-sac to Cascade County Subdivision Road Specifications, as well as the purchase and installation of all required street signs and stop signs. All of the above is to be completed prior to the approval of the final plat;
  4. submitting with the plat a certificate of a title abstracter showing the name of the owners of record of the land and the names of the lien holders or claimants of record against the land (MCA 76-3-612) (2017);
  5. pursuant to 7-22-2152 M.C.A. (2017), submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development;
  6. causing to be recorded on the plat a statement concerning limited public services;
  7. causing to be recorded an Agricultural Notification Statement.
  8. obtain approval for the proposed water and sewage disposal systems from state and/or local health departments;
  9. causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision track to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of any road that can be used to access these lots as determined by Cascade County provided that all other property owners served by said road share equitably in such an RSID;

**Board Discussion:**

06:35

**Elliott Merja** 06:39 asked any questions for staff

**Jan Swanson** 06:43 started to make a statement

**Elliott Merja** 06:44 stated this section of the meeting is for staff only you will be heard during the public

comment thank you

**Dexter Busby** 07:07 asked is this presently served by the public sewer and water facilities?

**Anna Weber** 07:17 said no, it's been vacated

**Elliott Merja** 07:24 stated they are still hooked up to the sewer I just looked at it not too long ago, but we can ask them that, any other questions for the staff?

**Dan Johnstone** 07:50 asked what is the historic ramification?

**Anna Weber** 07:53 stated that's the SHPO letter, we contact the Historic Preservation office and they look into it to see if they think there is anything around there that they think is historical and shouldn't be touched

**Elliott Merja** said 08:15 like a buffalo jump, also asked any other questions. Do we have someone here representing KLJ?

**Dan Richardson** 1301 12<sup>th</sup> Ave S 08:49 representing KLJ working with Casey here for the subdivision

**Elliot Merja** 09:04 asked do you know if they (The Skyline Bar) are hooked up with water and sewer

**Dan Richardson** 09:15 answered The Skyline Bar it is but it was an old hand shake with the city I don't think it's an active service at this point and no services for the other two lots

**Dexter Busby** 09:34 asked what the water and sewer will be

**Dan Richardson** 09:50 answered a well and septic systems for waste water

**Elliott Merja** 09:59 asked any idea how deep the well will have to be, just curious

**Dan Richardson** 10:02 said they are not going down to the Madison aquifer for good drinking water so it's just for cleaning, so it is 120 feet maybe according to the well driller 10:07

**Elliott Merja** 10:21 said I was just curious up on the hill top

**Dan Richardson** 10:22 said it is deep to get down to the drinking water that's all I know

#### **Public Hearing opened at 9:09 am**

#### **Opponents: 10:55**

There was a lengthy discussion between Jan and the staff and the Board between time stamps 11:01 and 26:37

**Jan Swanson** 2401 Old Airport Rd 11:01 I've lived up there for almost 44 years my dad was George Swanson, we used to own Skyline Bar. The well is 432 feet. To respond to the road, it's not a public access we have paid taxes we now own the Old Airport Road so in order to go in and out of there you kind of have to have our permission if you are going to develop that area or buy it from us. I thought John was going to be here from the airport because he has the existing property across from Stefani's rental I'm surprised he is not here because he is well aware of what's going on with the road. Anyway, just to straighten up your records we own the Old Airport Road now the state has given up access we pay the taxes on it, I am not opposed to development unless it is going to increase my taxes

**Elliott Merja** 12:33 asked where is your property in relationship to

**Jan Swanson** 12:41 said we own everything from the skyline down I have a trailer we rent my dad has a house called the cave house my brother now owns that, he got a letter too, he lives in Massachusetts he emailed Miss Weber his comments, and then my house is down there my dad built 43 1/2 years ago

**Elliott Merja** 13:09 said so you are around the east and north side of this

**Jan Swanson** said from the Skyline down we used to own the Skyline

**Elliott Merja** said ok thank you 13:29

**Anna Weber** 13:34 stated as far as the Old Airport Rd that is not the access they are using, there is a public access and utility easement (shows Jan where the access is and Airport Avenue B)

**Jan Swanson** 14:31 said in order to get there they have to cross through my property

**Anna Weber** 14:50 stated no they won't go through your property, explained the access to Jan

**Jan Swanson** 15:06 said ok I will have to get a map of that

**Anna Weber** 15:07 said yes that's totally fine

**Proponents:** none 15:35

**Public Hearing Closed 9:14 am**

**Elliott Merja** 16:02 asked any more questions for the staff or KLU

**Dexter Busby** 16:16 stated I am confused about the access now the road is still in your name? the ones that are existing

**Jan Swanson** 16:24 said yes, we have to pay the taxes it's been ongoing for years, the state owned then we owned it, then we started paying taxes on it that's why I'm confused we own the Airport Road my dad wanted to build a hotel there, but he never got to do it.

**Dexter Busby** 17:14 said if she owns that then they truly don't have access

**Elliott Merja** 17:23 opened the map and said from Avenue B

**Jan Swanson** 17:30 approached to show Elliot everything she owns

**Anna Weber** 17:47 stated Swanson does own Old Airport Road but, they are not using Old Airport Road for access, the road they are going to be using let me show everybody (Anna shows everyone on the map and explains the easement) there is a public easement.

**Jan Swanson** 18:46 said that is for utility access

**Anna Weber** 18:47 said it is public access

**Elliott Merja** 19:21 asked about the court order paper for public access

**Alex Dachs** 19:26 produced the paper from the Subdivision application

**Jan Swanson** 19:30 asked What is the date on that paper

**Alex Dachs** 19:55 said it would have been filled 2017 it was filled 2018 Jan 30, but the court order said December 2017

**Jan Swanson** 20:11 said we just settled it earlier last couple of months last summer so that is not accurate

**Anna Weber** 20:30 said that does not change the easement

**Jan Swanson** 20:58 said the revenue department we went to them last June, July so that is outdated the new one shows we own it

**Anna Weber** 21:26 stated we know that Old Airport Road is your property but that is not the access they are using

**Jan Swanson** 21:30 stated so you are telling me they are not going to use that road to bring all their equipment in to get in and out of there

**Anna Weber** 21:34 said no, they have a right to the 60x60 easement, but they have no right to your road, so that road you own it you pay taxes on it its abandon its not public, they have to use Avenue B

**Jan Swanson** 22:01 said no disrespect but I have been around construction all my life in order to do something you dig up the land, you level it out you have to be able to go around and you are not going to be able to go across back and forth that's where I am getting at its not that it's a great road but it's

our property and they are going to be driving on that all the time to revamp that whole property once it's done I understand that but to get there your big equipment and stuff they are going to use the road  
**Dan Richardson** 22:47 stated if that is an issue we can put on barricades, so they cannot go around there

**Jan Swanson** 23:14 said I am not against just want everyone to know that is not public access and I just need to know what's going to be going on (Reiterated her concerns)

**Elliott Merja** 24:35 asked what's your first name because you and your brother signed this easement

**Jan Swanson** 25:53 said he had to revamp all of our ownership of the road

**Elliott Merja** 25:06 said yes, and what this says is that you folks gave this 60-foot easement

**Jan Swanson** 25:08 said for utility's only

**Elliott Merja** 25:12 said and for public access

**Jan Swanson** 25:15 said but you understand what I'm saying about the equipment

**Elliott Merja** 25:25 said yes, absolutely and that is something you and them will have to manage within, that is not something the board does except to put a condition which they already have. Anything else from the developers?

**Casey Doran** 25:58 2 Waters Edge Ln said we are well aware of the road ownership that is why we have a cul-de-sac in the road so that's why the plat was designed that way that was our idea from the beginning. We don't have any intention of using that road, if things change in the future and this airport development goes through and that road is sold then that would be different, but that is the whole reason the plat was designed the way it is

**Jan Swanson** 26:36 said thank you

**Dexter Busby** motion to Recommend to the County Commission that the Plat of Doran Park Subdivision be approved, subject to the following 9 conditions:

1. having the developer's surveyor correct any errors or omissions on the preliminary plat;
2. causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
3. Design, construction, inspection, and certification, by a licensed professional engineer, of all roads used to physical and legal access as well as the proposed cul-de-sac to Cascade County Subdivision Road Specifications, as well as the purchase and installation of all required street signs and stop signs. All of the above is to be completed prior to the approval of the final plat;
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7.causing to be recorded an Agricultural Notification Statement.

8.obtain approval for the proposed water and sewage disposal systems from state and/or local health departments;

9.causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision track to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of any road that can be used to access these lots as determined by Cascade County provided that all other property owners served by said road share equitably in such an RSID;

**Dan Johnstone second**  
**All in Favor Motion Carries 5-0**

**5. Old business: none**

**6. Board Matters:**

**Alex Dachs** 27:58 asked about availability for a meeting November 20<sup>th</sup> which happens to be Thanksgiving week

**Dexter Busby** 28:15 said I will be gone

**Alex Dachs** 28:22 moved the meeting to the 12<sup>th</sup>

**Mark Carlson** 28:26 said that's a Monday

**Alex Dachs** 28:39 said Tuesday the 13<sup>th</sup> because we do have a couple of subdivisions and a rezone, also let us know about vacation holidays or hunting coming up and we will look into mailing the packages to the board members

**Elliott Merja** 29:35 said thank you, I had mentioned that if they pay for mileage it would be 30 bucks, so they should just mail it I don't have the hour to waste

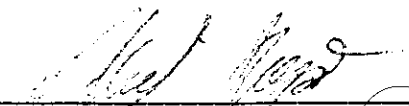
**7. Public Comments Regarding Matters within the Board's Jurisdiction:**

**8. Adjournment: 9:28 am**


**Elliott Merja** motion to adjourn

**Ken Thornton** Seconds the motion

**All in favor 5-0**

  
Elliott Merja or Mark Carlson

10/30/18  
Date

  
Alex Dachs

10/30/18  
Date